

Zoning Board of Appeals

Regular Meeting Agenda

Monday, May 20, 2013
7:00 p.m., Basement, City Hall



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – February 25, 2013
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

NEW BUSINESS –Variance Requests - **Public Hearings**

6. **Four Leaf Homes, LLC** is asking for a variance to install a sign which identifies the relocated entrance to Pleasant View Estates manufactured home park on property located 1223 and 1233 Phoenix Street (Meijer property). The proposed off-premise sign is not permitted in the B-4 zoning district. The parcel number for the variance request is 80-53-869-009-10.
7. **Janet and Wesley Todd**, 327 Eagle Street, request a front yard variance from zoning ordinance section 402-1 to extend a porch to 12 inches from the property line. The property number for the request is 80-53-020-002-00.
8. **Leonard and Lynette Stack**, 320 Eagle Street, request a front yard variance from zoning ordinance section 402-1 to extend an open porch to 6 feet from the property line where 9 feet is required. The property number for the request is 80-53-019-004-00.
9. Member Comments
10. Adjourn

RESPECTFULLY SUBMITTED,

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

Linda Anderson
Zoning Administrator

South Haven City Hall is Barrier-free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Clerk. Individuals with disabilities requiring services should contact the City Clerk by writing or calling South Haven City Hall at (269) 637-0750.

Zoning Board of Appeals

Regular Meeting Minutes

Monday, February 25, 2013
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Chair Ingersoll at 7:00 PM.
2. Roll Call

Present: Boyd, Lewis, Paull, Ingersoll, Wheeler, Wittkop.
Absent unexcused: Miller.
Also present Linda Anderson, Zoning Administrator

3. Approval of Agenda: All ayes
4. Approval of Minutes – January 28, 2013: All ayes
5. No public comment was received.

NEW BUSINESS –Variance Request

6. The Historic Association of South Haven requested a variance to place a freestanding identification sign on their property at 353 Hubbard Street. This type of sign is not permitted in the R-1B zoning district per zoning ordinance section 2008-1. The parcel number for the applicant property is 80-53-548-008-00.

Anderson introduced the request.

Motion by Lewis, support by Wittkop to open the public hearing. All ayes.

Boyd asked if the Historical Association charges admission. The applicant, Ed Appleyard, replied that they accept donations but do not have an admission fee. Boyd questioned how this use is different from a business which would need to comply with strict sign rules. He asked if a business could install a sign as requested here. Anderson explained that different zoning districts have different sign regulations and few, if any, businesses are located in residential zoning districts. The exception being certain home occupations.

Boyd stated that some businesses have sandwich board signs that are taken in at night. He questioned if that was an option here. Anderson stated that sandwich board signs are not permitted in the residential zones. If that was requested, a variance would be needed.

Boyd asked if the matter could be referred to the planning commission with a request to amend the zoning ordinance to allow certain nonprofit identification signs in residential zones. Ingersol stated that the role of the ZBA is to provide relief from zoning regulations, when applicable. He further stated that a zoning ordinance amendment would take several months, creating an unnecessary hardship for the applicant.

Motion by Lewis, supported by Wheeler, to close the public hearing. All ayes.

Ingersol stated that this is a situation common in the city and many such signs are found in residential zones. The common thread is that the uses with the signs are non-profit or governmental land uses. He believes this use is similar to other such uses and the sign should be permitted. He further stated that the use is a public asset and provides a public service to the community.

There was a discussion regarding the request and compliance with all the standards of zoning ordinance section 2205. Following that discussion there was a motion made by Paull, supported by Wheeler, to approve the request based on the fact that all standards of section 2205 were met. A condition was placed on the motion that the sign be placed back on the property so as not to interfere with clear vision. Before the sign is installed, the zoning administrator will meet on site with the applicant to establish the appropriate setback for the sign.

Ayes: Lewis, Apotheker, Paull, Wheeler, Wittkop.
Nay: Boyd

A second motion was made by Lewis, supported by Boyd, to request that the planning commission look at this issue when considering amendments to the zoning ordinance. All ayes.

7. There were no member comments.
8. Motion by Wittkop, supported by Paull, to adjourn the meeting at 8:45 PM. All ayes.

RESPECTFULLY SUBMITTED,

Linda Anderson
Zoning Administrator



Agenda Item #6 Off-premise Sign on Meijer Property

City of South Haven

Background Information: The development of the Meijer property has resulted in the MDOT requested closure of the access drive to Pleasant View Estates from Phoenix Street. Traffic to Pleasant View and to any future commercial businesses on that property will now be rerouted through the Meijer entrance on Phoenix Street. Since the driveway to the manufactured park has moved to the west, the owner is asking that the sign also be moved closer to the new drive.

The location chosen for the new sign is on city property owned by Meijer's. The manufactured home park is on property owned by Four Leaf Homes. Relocating the sign will result in a sign that is identifying a use not on the property on which the sign is located. This is counter to zoning ordinance section 2004 – 6 which prohibits billboards and off-premise signs except under certain conditions not met with this application.

Recommendation: Staff believes that granting the variance to relocate the sign is necessary to provide adequate direction to motorists seeking the drive to the residences and future businesses located on the site.

Support Material:

Completed Application
Staff Findings of Fact



DEVELOPMENT CORPORATION

April 24, 2013

■ Linda S. Anderson//City Planner//Zoning Administrator
City of South Haven // Office (269) 637-0760
Building Services Department,
539 Phoenix Street,
South Haven, MI 49090 //
www.landerson@south-haven.com

Re: Zoning Variance Request
Four Leaf Homes

Dear Linda,

I am assisting Four Leaf Homes, LLC with an application for a variance that will allow them to relocate and improve their entrance sign.

Please find enclosed:

1. Zoning Variance Request signed by Meijer Corporation (owner) and Michael P. Callaghan managing member of Four Leaf Homes, LLC (the applicant)
3. Check # 2693 for \$300.00
3. Response to conditions list from the application prepared by FTC&H engineers.
4. Meijer site plan with current and proposed sign locations
5. Photo of existing Pleasant View Estates sign
6. Photo of existing Pleasant View Estates sign showing dimensions.
7. Preliminary sign drawing.

I will be at the meeting on May 20th but please do not hesitate to call or email if you have any questions or need additional information.

Best regards,

Cindi Compton
Osage Development Corporation
269-214-2459
comptonlandimprovement@gmail.com

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: FOUR LEAF HOMES c/o MICHAEL CALLAGHAN

Date: 4-24-2013

Address: 7400 SHADELAND AVE SUITE 208
INDIANAPOLIS, IN 46250

Phone: 708-784-1530

Address of
Property in Question: 1223 1/2 33 PHOENIX ST

Present Zoning
of Property: B4

Name of Property Owner(s): GOODWILL CO. INC.

Present Zoning of Neighboring Properties to the :

North B4 South B4 East S.O.M. West B4

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): ARTICLE XX SECTION 2001 & SECTION 2004

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

SEE ATTACHED

2. Such variance will not impair the intent and purpose of this Ordinance.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

9. That the variance will relate only to property under the control of the applicant

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

Robert Moran, Real Estate Manager 4/24/13
Property Owner Meijer Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

Nicholas P. Callaghan 4/23/13
Applicant Signature Date

Osage
DEVELOPMENT CORPORATION

POST OFFICE BOX 487
SOUTH HAVEN, MI 49090
269-637-5188
compton@verizon.net

FIFTH THIRD BANK
GRAND RAPIDS, MI 49503
74-5/724

VC 269

4/24/2013

Pay to the
Order of City of South Haven

\$ **300.00

Three Hundred and 00/100***** Dollars

City of South Haven

Osage

Carly Compton

memo _____

⑈002693⑈ ⑆072400052⑆ 7161053025⑈

INTUIT INC. 1-800-433-8810

Security
Features
on Back

OSAGE DEVELOPMENT CORPORATION

City of South Haven

Four Leaf ZBA application

4/24/2013

VC 2693

300.00

Osage

Fifth Third Checking

300.00

Four Leaf Properties Zoning Variance Request

FTC&H Project Number: G130237

Date: April 30, 2013

Requested Variance for Section 2008.3 - Permitted Signs: To relocate and improve the existing Four Leaf Properties/Pleasant View Mobile Home Park off-premises freestanding sign on a 265-foot frontage parcel in B-4 zoning along Phoenix Road adjacent to the I-196 southbound off-ramp. (There are two signs on this 265-foot frontage parcel: the approved Meijer gas station price point sign and the existing Pleasant View sign).

1. Such variance will not be detrimental to the adjacent property and the surrounding neighborhood.

- The requested variance allows relocation and improvement of an existing non-conforming freestanding sign to facilitate the applicant's off-premises property sharing the Meijer ingress/egress drive off of Phoenix Road.
- The MDOT off-ramp eliminates the Four Leaf Properties (Four Leaf) frontage along Phoenix Road causing the property to have a no signage designation. As a result, Meijer has granted Four Leaf an easement allowing the relocation of the sign to be consistent with the relocated driveway. This grant of the easement provides written support for the requested variance.
- Such variance brings the relocated and improved sign into compliance with B-4 zoning.
- Surrounding properties or other existing signs will not be obstructed or obscured by the relocated freestanding sign.
- The surrounding neighborhood is also zoned B-4 and contains commercial signage.
- All surrounding neighboring uses have similar freestanding signs.

2. Such variance will not impair the intent and purpose of this Ordinance.

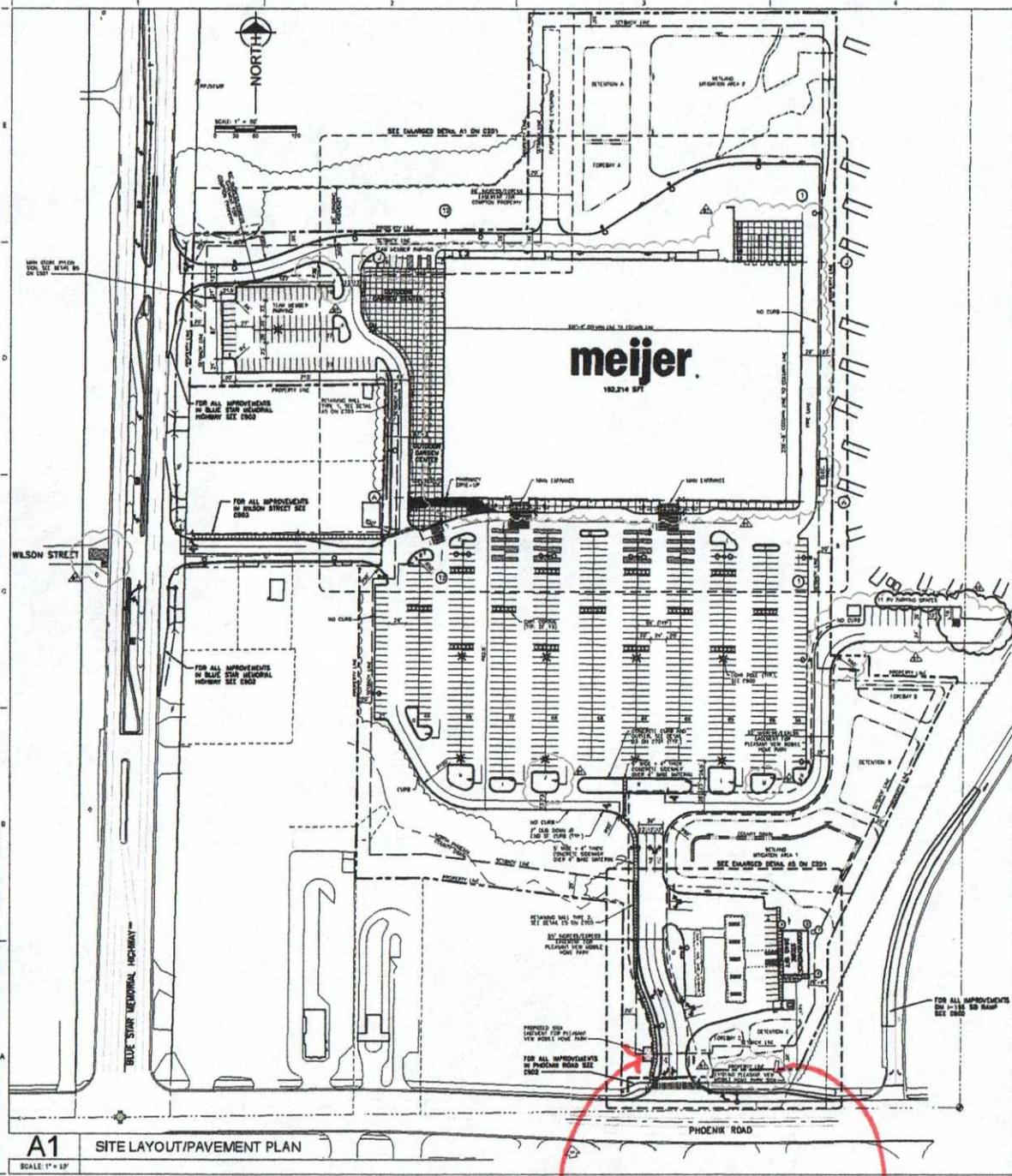
"The perceived intent of the Signs Ordinance is to prevent hazards to traffic and pedestrians, improve community appearance, and promote economic development through regulating the construction, size, location, and number of signs."

- Such variance allows the relocation and improvement of an existing non-compliant Four Leaf freestanding off-premises sign. This will improve community appearance and promote economic development.
- The existing freestanding sign is non-compliant as unpermitted off-premises and crosses the MDOT right-of-way line. The variance will improve this condition by relocating the existing sign within a permanent dedicated easement along the shared Meijer ingress/egress drive, will not cross any right-of-way lines, and brings the sign into compliance with the B-4 zoning ordinance.
- The relocated sign is sized in accordance with B-4 zoning ordinance.
- The location of the relocated sign is compliant with Clear Vision Corners (Section 1712) not obstructing the view of traffic.
- The location of the relocated sign does not obstruct pedestrian paths.

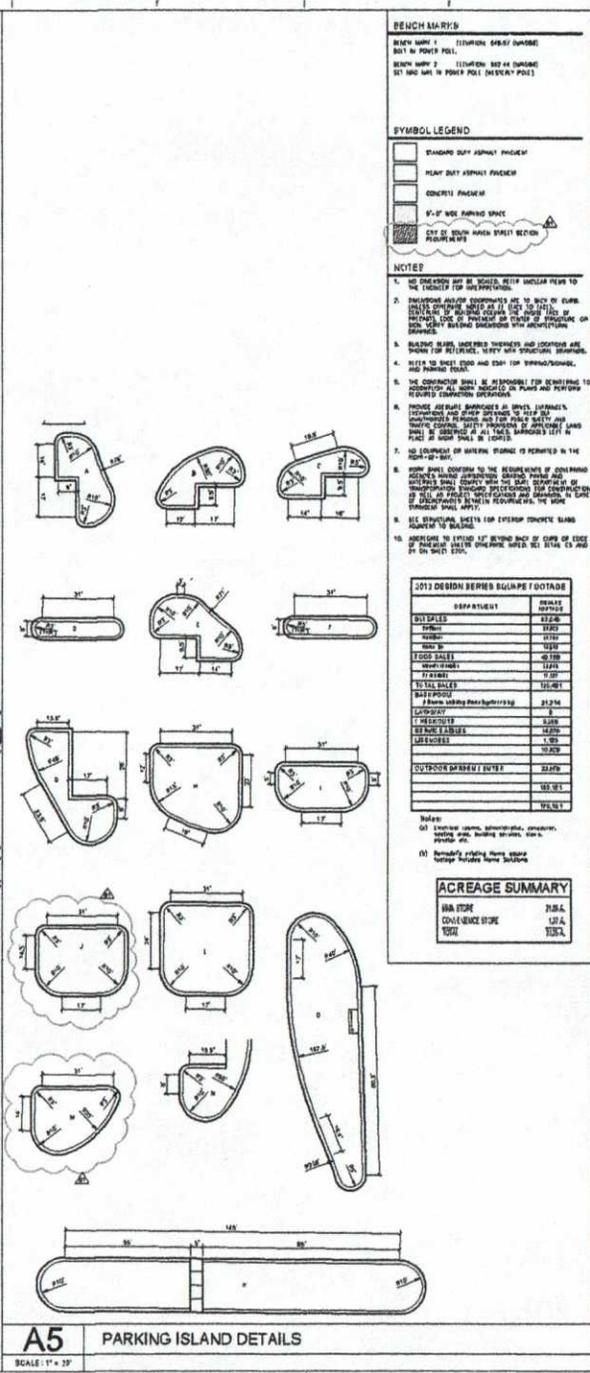
3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property not applying generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved or to the intended use of the property. See Section 2204(2).

- Extraordinary circumstances or conditions applying to the Meijer property/Four Leaf easement:
 - Four Leaf has agreed to abandon and relocate the current access drive off Phoenix Drive to a new shared route on the Meijer parcel serving both Meijer and the applicant as requested by MDOT during the Meijer site plan approval process.
 - The existing non-compliant Four Leaf freestanding sign is not adjacent to the new shared ingress/egress drive.
 - Meijer has negotiated an easement within the shared ingress/egress drive for the relocation of the Four Leaf sign.
 - The current geometry of the Meijer property is limited to approximately 265 feet of continuous lineal street frontage along Phoenix Road by the MDOT I-196 southbound off-ramp triangle located east of the property. This is less than 300 feet of continuous lineal street frontage required for two freestanding signs under the current ordinance. However, if the MDOT off-ramp triangle does not restrict the length, the Meijer parcel gains an additional 42 feet of continuous lineal street frontage along Phoenix Road. The additional 42 feet brings the frontage length to a total of approximately 306 feet, therefore allowing two freestanding signs on the Meijer parcel under the current ordinance.
4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - Similar B-4 properties are not restricted by an interstate off-ramp right-of-way and shared access easements such that the number of signs cannot serve the parcels within the subject property.
 - Relocating and improving the Four Leaf sign preserves the right to adequate signage for the entryway as in the past and is currently enjoyed by all surrounding B-4 neighbors.
 5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of a general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.
 - Four Leaf has agreed to abandon and relocate the current access drive off Phoenix Drive to a new shared route on the Meijer parcel serving both Meijer and the applicant as specifically requested by MDOT and engineered for the health, safety, and welfare of the motoring public.
 - Relocating the existing non-compliant freestanding sign to the easement on the shared Meijer ingress/egress drive is necessary for the applicant to advertise and direct traffic flow to the property.
 - Four Leaf cannot utilize other types of signage (i.e., wall or projecting signs) to serve its parcel as it is off-premises and has no frontage or direct visibility to Phoenix Road.
 6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions by the property owner. In other words, the problem shall not be self-created.
 - The individual and collective geometry of the eight existing parcels assembled into the Meijer site was not created by the applicant or the pre-development property owners.
 - The existing ingress/egress easements serving the Four Leaf property were not created by the applicant or property owners.
 - The intended use of the property is consistent with the property zoning designation.

- The MDOT off-ramp location created by the State of Michigan eliminates the applicant's direct frontage along Phoenix Drive.
 - Development of the Meijer ingress/egress drive was outside of the applicant's control and unforeseen during original sign installation.
7. Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- Strict enforcement of the Signs Ordinance would eliminate the freestanding sign upon any removal or replacement activity and be unnecessarily burdensome to the applicant. Without adequate signage, the applicant would lose significant property value without the ability to clearly identify the access point and use of the property.
8. The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
- The improvements to the existing sign bring the sign size to 48 square feet (8 feet horizontal by 6 feet vertical) which is less than the 160 square feet allowed.
 - The Four Leaf sign is only being relocated, allowing the project to not include the need for an additional freestanding sign.
 - Improvements to the relocated sign will upgrade the aesthetic for the community.
9. The variance will relate only to the property under control of the applicant.
- The variance is requested within an easement Meijer has granted for the relocation and sharing of the access drive with Four Leaf. Four Leaf has the legal control and right to place the sign at this location.



A1 SITE LAYOUT/PAVEMENT PLAN
SCALE: 1" = 40'



A5 PARKING ISLAND DETAILS
SCALE: 1" = 30'

BENCHMARKS
BENCH MARK 1: (STANDARD) GRABY BENCH MARK IN POWER POLE.
BENCH MARK 2: (STANDARD) BOLT IN GROUND.
BENCH MARK 3: (STANDARD) BOLT IN GROUND.
BENCH MARK 4: (STANDARD) BOLT IN GROUND.

SYMBOL LEGEND
STANDARD DUTY ASPHALT PAVEMENT
HEAVY DUTY ASPHALT PAVEMENT
CONCRETE PAVEMENT
8'-0" WIDE PARKING SPACE
CUT OF EXISTING PAVED SURFACE SECTION

- NOTES**
- NO DIMENSIONS SHOWN ARE TO BE USED, REFER TO THE PLAN FOR DIMENSIONS.
 - CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF PHOENIX SPECIFICATIONS FOR ASPHALT PAVEMENT, CONCRETE PAVEMENT, AND CURBS AND GUTTERS.
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2017 DESIGN SERIES SQUARE FOOTAGE

DEPARTMENT	SQUARE FOOTAGE
RETAIL	180,214
OFFICE	10,000
STORAGE	10,000
MECHANICAL	10,000
ELECTRICAL	10,000
PLUMBING	10,000
PAVEMENT	10,000
LANDSCAPE	10,000
UTILITIES	10,000
CONSTRUCTION	10,000
TOTAL	240,214

ACREAGE SUMMARY

AREA TYPE	ACREAGE
TOTAL SITE	1.23
CONCRETE DRIVE	0.05
TOTAL	1.28

frch
frch is a registered trademark of frch, Inc.
frch, Inc. is a registered trademark of frch, Inc.
frch, Inc. is a registered trademark of frch, Inc.

ROCKWELL CONSTRUCTION
1000 SOUTH CENTRAL AVENUE, SUITE 200
PHOENIX, ARIZONA 85024
PH: 602.955.1234
F: 602.955.1235

meijer
Store No. 271
Blue Star Memorial Highway and Phoenix Street
Scottsdale, Arizona
Site Layout Plan

C200
PROJECT NO. J120228271
DATE: 01/15/17

Requested location *EXISTING LOCATION*



Pleasant View
ESTATES
MANUFACTURED HOMES

← 12.21'



↑ 7.67'

Pleasant View
ESTATES
MANUFACTURED HOMES

← 8.21'

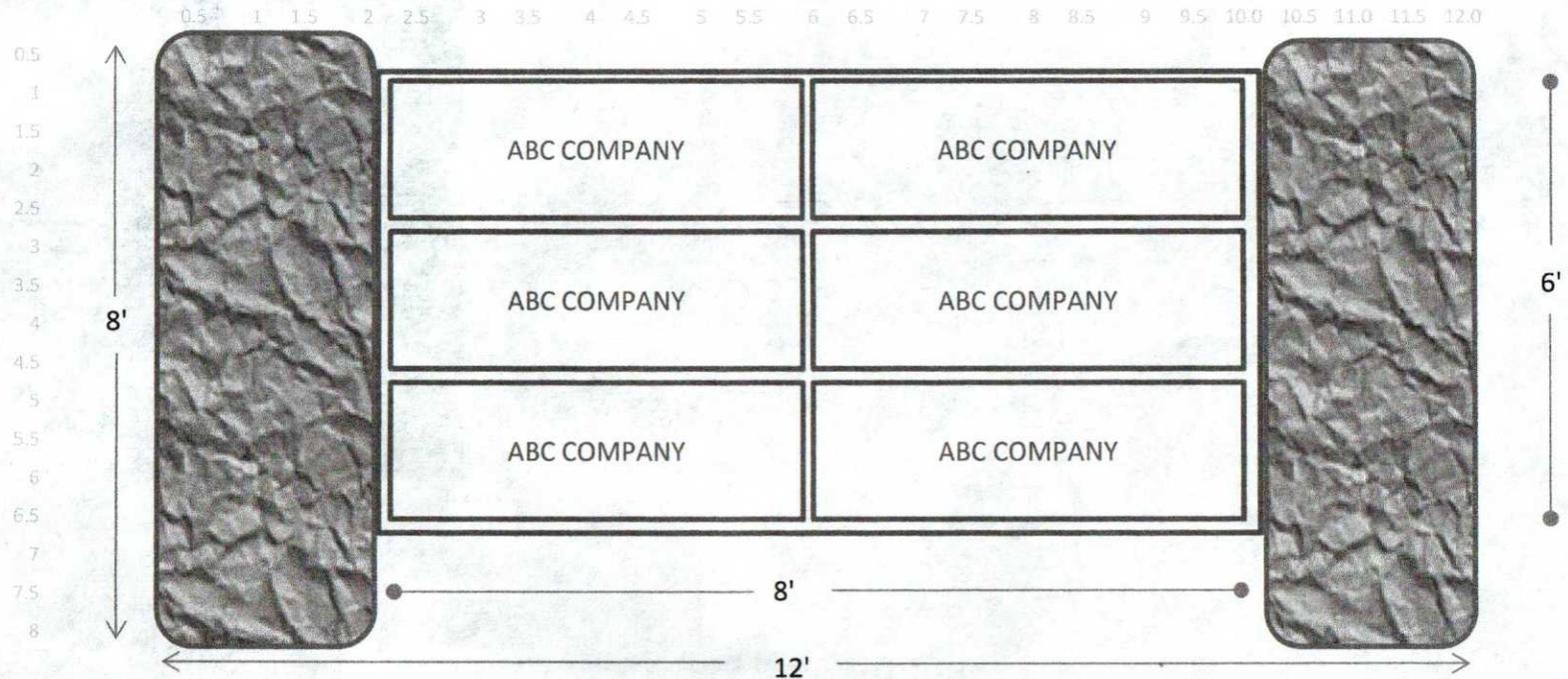


↑ 14.4'

← 20'



**PLEASANTVIEW - SOUTH HAVEN
PRELIMINARY SIGNAGE PLAN**



EASEMENT DESCRIPTION

Signage. Meijer hereby grants GE (for the benefit of the GE Parcel) a perpetual, exclusive (but for the rights of Meijer under Sections 2 and 3 below) easement (the "Signage Easement") over, across, under and through the Signage Easement Area to erect, maintain, improve, light, enlarge or reduce, repair, and from time to time replace a sign (the "Signage") and for the installation and use of utility lines to service the Signage Easement Area, and for ingress and egress to and from the Signage Easement Area, to and from publicly dedicated streets or easement areas. The Signage shall be a monument sign not more than eight feet (8') in height and having not more than fifty (50) square feet of signage. GE shall not install the Signage until such time as GE has received all necessary governmental approvals for the Signage. Meijer shall cooperate with GE, at no additional cost to Meijer, in GE obtaining such approvals. Meijer shall not erect or place signs, improvements or other objects on the Meijer Parcel in locations that would materially impair the visibility of the Signage from Phoenix Road, provided, however, GE acknowledges that the Meijer signage on the East side of the Ring Drive shall not be considered to materially impair visibility.

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: May 20, 2013
ADDRESS: 1223 and 1233 Phoenix Street
ZONING DISTRICT: B-4 Major Thoroughfare Business
LOT DIMENSIONS: 265 feet frontage
LOT AREA: 23 acres
LOT COVERAGE: NA
REQUIRED SETBACKS: Signs shall be at least 20 feet from any property line (Sec 1002-4)
EXISTING SETBACKS: NA
PROPOSED SETBACKS: 20 feet (sign only)
VARIANCE REQUEST: **Four Leaf Homes, LLC** is asking for a variance to install a monument sign which identifies the relocated entrance to Pleasant View Estates manufactured home park on property located 1223 and 1233 Phoenix Street (Meijer property). Because the proposed sign marks the entrance to a use not on the Meijer property, the sign is considered off-premise. The off-premise signs are not permitted in the B-4 zoning district. The parcel number for the variance request is 80-53-869-009-10.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

Staff finds the proposed sign will not have a negative effect on the surrounding properties. Pleasant View Estates has had a sign on city property for several years while the park was actually in the township. This request only updates and relocates the sign to the new entrance to the property.

2. Such variance will not impair the intent and purpose of this Ordinance.

The zoning ordinance (Section 2000) states that the intent of the sign ordinance is to prevent traffic hazards; to provide safer conditions for pedestrians; to improve community appearance; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs.

The relocation of the existing sign with a new sign will further the purpose of the ordinance provided all requirements of the B-4 zoning district are met. The relocation of the sign to a location near the actual entrance to the manufactured home park and any future businesses which may use that drive will help improve traffic flow and safety along Phoenix Street.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

This is a unique situation in that the entrance to a township commercial property is located on city property. It is also unusual in that the state of Michigan (MDOT)

has requested that the existing drive to the township property be relocated to the main Meijer store entrance. This is not a situation that will occur commonly, if ever, again.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

This variance will grant to property owners the necessary signage to identify their businesses. This is a right enjoyed by other properties in the B-4 district and does not differentiate this owner as having a singular economic motive.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

As explained before, this is a very unique situation. At this time, it is recommended that the ordinance be left as it now reads and each sign of this type be considered on a case by case basis.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The property owner did not create this situation. It is the result of a traffic generating land use crossing jurisdictional boundaries and a request from MDOT to relocate an existing access.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Strict enforcement would result in the manufactured home park and any future commercial uses not having an identification sign marking the entrance to the property. The sign would need to be placed so far back on the property as to be rendered useless.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The applicants are asking for a sign which is smaller than that allowed in the B-4 zoning district. In addition, the changeable nature of the sign will prevent the need for additional signs on the property to advertise future uses.

9. That the variance will relate only to property under the control of the applicant.

The variance request only involves the property currently under the control of the Meijer Corporation.



Agenda Item #7 Todd Front Setback Variance

City of South Haven

Background Information: The required setback for a dwelling wall is 15 feet. Open stairs, porches and patios may extend up to 6 feet into the setback area allowing a setback of 9 feet. This property has an existing setback of 8 feet to the dwelling wall and an open porch extending to within 4 feet of the right-of-way. The applicant asks to extend the porch another 3 feet toward the front property line resulting in a setback of one foot.

Recommendation: Staff recommends that the ZBA members review the application, staff findings of fact and the physical property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance.

Support Material:

Completed Application w/ Photos
Staff Findings of Fact

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: Janet & Wesley Todd

Date: April 2013

Address: _____

Phone: 269 799 6911

Address of Property in Question: 327 Eagle Street

Present Zoning of Property: RIA

Name of Property Owner(s): same as above

Present Zoning of Neighboring Properties to the :

North RIA South RIA East RIA West RIA

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): 402-1 front setback

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

Requested variance involves only property at 327 Eagle.

2. Such variance will not impair the intent and purpose of this Ordinance.

Variance does not impair ordinance.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

Variance requested is not exceptional nor extraordinary.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Variance will enhance appearance and usefulness of porch and is similar to nearby properties (please see attached pictures).

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

There should be no recurrence of this situation.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

Problem existed at time of purchase.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

strict adherence would decrease usefulness and ease of use of porch.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

Minimum variance from set back requested.

9. That the variance will relate only to property under the control of the applicant

Variance will apply only to 327 Eagle Street.

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

Jamet V Todd
Property Owner

April 2017
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

Nesly Mal Z
Applicant Signature

April 2017
Date



Google earth

feet
meters













327 Eagle St front Setback

Disclaimer:

Measurements are approximate and should be verified.
Measurements are from the property line to the nearest enclosed portion of the house.

325 Eagle St

6'

327 Eagle St

8'

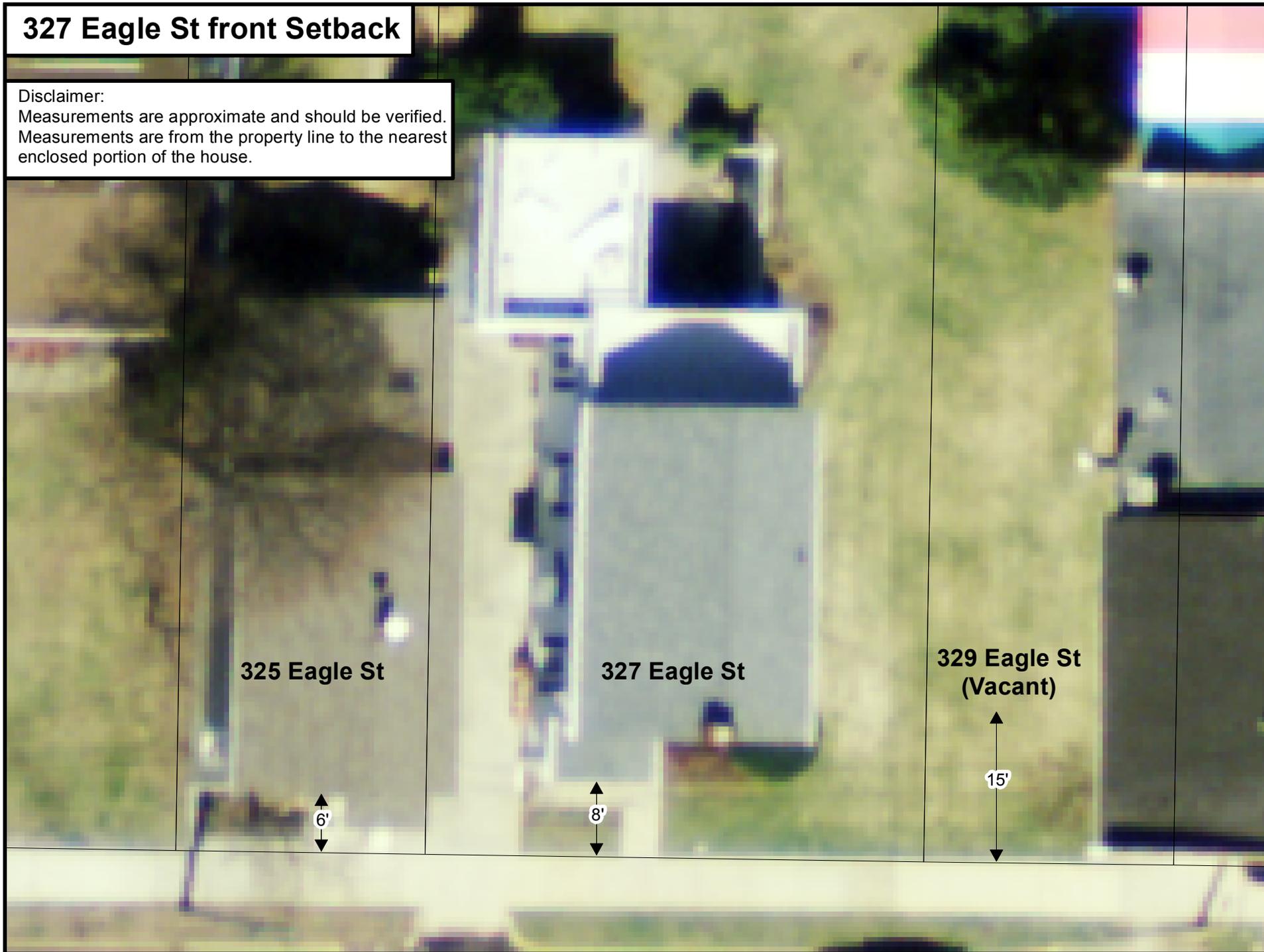
329 Eagle St
(Vacant)

15'



327 Eagle St front Setback

Disclaimer:
Measurements are approximate and should be verified.
Measurements are from the property line to the nearest enclosed portion of the house.



325 Eagle St

6'

327 Eagle St

8'

329 Eagle St
(Vacant)

15'

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: May 20, 2013

ADDRESS: 327 Eagle Street

ZONING DISTRICT: R-1A Residential

LOT DIMENSIONS: 50x130

LOT AREA: 6534 square feet

LOT COVERAGE: <20% current; NC proposed; 40% maximum allowed

REQUIRED FRONT SETBACK: The required setback for a dwelling wall is 15 feet.

Open stairs, porches and patios may extend up to 6 feet into the setback area allowing a setback of 9 feet. This property has an existing setback of 8 feet to the dwelling wall and an open porch extending to within 4 feet of the right-of-way.

VARIANCE REQUEST: The applicant asks to extend the porch another 3 feet toward the front property line resulting in a setback of one foot.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

This neighborhood has several residences that were constructed close to the front lot lines, including some structures that are built to the lot line. The request is not of an unusual nature for this neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

It is the intent of the R1A zoning district to preserve the character of the single-family neighborhoods. The proposed porch extension will improve the appearance of the property and will not impair the intent of the residential purpose.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

Staff does not find exceptional or extraordinary conditions as far as lot size or configuration in this neighborhood. Most residences in this area were constructed close to the front lot line regardless of the depth of the lot.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Most residences in the city have front porches. The size of the porch and the proposed encroachment into the required front yard are choices made by the applicant. There does not appear to be any financial motive for the improvements

the applicant has requested. The applicant would construct the porch for personal use.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

This does not appear to be a recurrent type of variance request in this zoning district as a whole. On this block of Eagle Street, however, the request is not uncommon due to the short front setback that exists. Staff does not recommend amending the zoning ordinance to permit a decrease in front setback for this particular neighborhood only. It is more prudent to consider these requests as they arise.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The problem is not self-created except in the sense that the applicant would like a larger porch.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Without the requested variance, the applicant would not be permitted to enlarge his porch. Whether that is unnecessarily burdensome is a decision for the ZBA.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The reason the applicant requests the variance is that the existing porch is too small to be of any purpose and limits the owner from fully opening the front door. Any reduction in the request would not grant the owner significant additional use of the porch.

9. That the variance will relate only to property under the control of the applicant.

The variance request only involves the property owned by the applicant.



Agenda Item #8 Stack Front Setback Variance

City of South Haven

Background Information: The required setback for a dwelling wall in the R1-A zoning district is 15 feet. Open stairs, porches and patios may extend up to 6 feet into the setback area allowing a setback of 9 feet. This property has an open patio 9 feet from the front property line, which complies with zoning requirements. The applicant asks to extend the patio another 3 feet toward the front property line resulting in a setback of 6 feet.

Recommendation: Staff recommends that the ZBA members review the application, staff findings of fact and the physical property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance.

Support Material:

Completed Application w/ Photos
Staff Findings of Fact

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: LEONARD STACIC Date: _____

Address: 266 EAST ADELIA STREET Phone: _____
ELMHURST, IL 60126

Address of Present Zoning
Property in Question: 320 EAGLE ST of Property: R-1A

Name of Property Owner(s): LEONARD & LYNNETTE STACIC

Present Zoning of Neighboring Properties to the :

North R-1A South R-1A East R-1A West R-1A

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): 402-PARAGRAPH 1 - FRONT YARD

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood. THE REQUEST IS EXTEND THE FRONT PATIO BY 3 FEET, REDUCING THE FRONT SETBACK TO 6 FEET. THE SETBACK WILL BE CONSISTENT WITH OTHER PROPERTIES ON THE STREET INCLUDING 316 EAGLE STREET AND 310 EAGLE STREET.
2. Such variance will not impair the intent and purpose of this Ordinance. THE REQUEST WILL NOT EXTEND THE BUILDING, OR OTHER COVERED STRUCTURE INTO THE FRONT SETBACK, IT WILL NOT IMPEDE THE ~~VIEW~~ VIEWS ALONG THE STREET WITHIN THE SETBACK AREA.
3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2). THE EXISTING SETBACK REQUIREMENTS DO NOT ALLOW US TO USE OUR FRONT PATIO/PORCH TO GATHER/RELAX ON THE NORTH SIDE OF OUR HOUSE, OUT OF THE SUN ON HOT DAYS.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

SEE THE ATTACHED PHOTOGRAPHS OF OTHER SIMILAR PROPERTIES ON THE STREET, WHERE PATIO/PORCH WIDTH/SIZE ALLOWS FOR USE TO GATHER AND RELAX ON THE SPACE.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

THIS WOULD BE A ONE-TIME SITUATION, WHERE IF THE VARIANCE IS GRANTED, IT WILL NOT BE REPLICATED OR ADDITIONAL REQUESTS MADE.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

THE OWNER INTENDS TO UTILIZE A LICENSED CONTRACTOR TO EXECUTE THE PATIO/PORCH ADDITION, IF THE ~~APPROVED~~ REQUESTED VARIANCE IS APPROVED, NO ACTION WILL BE TAKEN UNLESS / UNTIL APPROVAL IS GRANTED.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

THE FAILURE TO HAVE A VARIANCE, REQUIRING STRICT COMPLIANCE, WILL NOT ALLOW THE OWNER TO EFFECTIVELY UTILIZE THEIR FRONT PORCH DUE TO INSUFFICIENT WIDTH, UNLIKE SIMILAR PROPERTIES ON EAGLE STREET.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

GIVEN THE STANDARD SIZES OF OUTDOOR FURNITURE TYPICALLY USED FOR THE PURPOSE INTENDED BY THE OWNER, THE CURRENT PORCH SIZE DOES NOT ALLOW FOR ~~THE~~ ^{ITS} USE FOR SITTING WITH STANDARD FURNITURE.

9. That the variance will relate only to property under the control of the applicant

THE VARIANCE APPLIES ~~ON THE~~ ONLY TO THE NORTH SIDE OF 320 EAGLE STREET.

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

Levo Lytle Stack
Property Owner

4-26-13
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

Lytle Saad
Applicant Signature

4-26-13
Date



Google earth

feet
meters





Google earth





320 Eagle Street showing existing patio



314 Eagle Street showing existing porch



314 Eagle Street showing existing porch



310 Eagle Street showing existing porch

320 Eagle St front Setback

Disclaimer:

Measurements are approximate and should be verified.
Measurements are from the property line to the nearest enclosed portion of the house.

Eagle St

12'6"

11'

15'

316 Eagle St

320 Eagle St

324 Eagle St



STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: May 20, 2013

ADDRESS: 320 Eagle Street

ZONING DISTRICT: R-1A Residential

LOT DIMENSIONS: 40x100

LOT AREA: 4000 square feet

LOT COVERAGE: 43% current; NC proposed; 40% maximum allowed

REQUIRED FRONT SETBACK: The required setback for a dwelling wall in this zone is 15 feet. Open stairs, porches and patios may extend up to 6 feet into the front setback area resulting in a setback of 9 feet. This property has an existing front patio setback of 9 feet which complies with zoning requirements.

VARIANCE REQUEST: The applicant asks to extend the patio another 3 feet toward the front property line resulting in a setback of 6 feet.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

This neighborhood has several residences that were constructed close to the front lot lines, including some structures that are built to the lot line. The request is not of an unusual nature for this neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

It is the intent of the R1A zoning district to preserve the character of the single-family neighborhoods. The proposed patio extension will improve the appearance of the property and will not impair the intent of the residential purpose.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

Staff does not find exceptional or extraordinary conditions as far as lot size or configuration in this neighborhood. Most residences in this area were constructed close to the front lot line regardless of the depth of the lot.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Most residences in the city have front porches. The size of the patio and the proposed encroachment into the required front yard are choices made by the applicant. There does not appear to be any financial motive for the improvements the applicant has requested. The applicant would construct the patio for personal use.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

This does not appear to be a recurrent type of variance request in this zoning district as a whole. On this block of Eagle Street, however, the request is not uncommon due to the short front setback that exists. Staff does not recommend amending the zoning ordinance to permit a decrease in front setback for this particular neighborhood only. It is more prudent to consider these requests as they arise.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The problem is not self-created except in the sense that the applicant would like a larger patio.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Without the requested variance, the applicant would not be permitted to enlarge his patio. Whether that is unnecessarily burdensome is a decision for the ZBA.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The reason the applicant requests the variance is that a larger patio is desired. The applicant has presented photographs of other homes in the immediate area with larger porches/patios than that of the applicant. The ZBA needs to decide if a larger patio is an adequate reason for a variance.

9. That the variance will relate only to property under the control of the applicant.

The variance request only involves the property owned by the applicant.